

MINUTES
PLANNING & ZONING COMMISSION OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Monday Evening, 04 November 2019

1. CALL TO ORDER: Chairman Ron Jackson at 6:00 p.m.
2. QUORUM CHECK: Michael J. Cassata, Development Services Director

Commission Members present:

Ron Jackson, Chairman
Sally Cook, Vice-Chairman
Elizabeth Dixon, Member
Christina Fitzpatrick, Member
Shelly Reynolds, Member
J Svalberg, Member
Ron Hannan, Member

Also present:

Kim M. Turner, City Manager
Matthew Longoria, City Attorney

Commission Members Absent:

Scott Dagg, Secretary

3. MINUTES OF PREVIOUS MEETING:

Regular Meeting – 09 September 2019

Ms. Cook moved to accept the minutes as presented. Ms. Dixon seconded the motion. The motion was approved on a 7-0 vote.

4. NEW BUSINESS:

- A. Consider: P.C. 518—A Preliminary Replat establishing Lot 1, Block 1; being a total of 1.088 acre, containing all of that certain tract described in general warranty deed recorded in volume 18919, page 1283, official public records of Bexar County, Texas; containing all of Lot 24 and the east 20 feet of Lot 23, Block 1, Universal Heights Subdivision, Unit 1-C recorded in Volume 6400, page 23, deed and plat records of Bexar County, Texas; also containing all of Lot 36, Block 1, Universal Heights Subdivision, Unit 1-D recorded in volume 7100, page 209, deed and plat records of Bexar County, Texas to establish the Universal Medical Plaza Subdivision.

Mr. Cassata provided background on the replat. He explained the replat is a consolidation of two lots and a portion of a third lot in order to construct a retail building with multiple suites including a dental office. He further explained the petitioner opted for a plat deferral, which is allowed per the Municipal Code, wherein a building permit is issued, and construction started while the plat is moving through the approval process. He confirmed this was at the petitioner's risk.

Ms. Cook moved to approve the applicant's request for a preliminary replat. Mr. Hannan seconded the motion. The motion was approved on a 7-0 vote.

- B. Consider: P.C. 518—A Final Replat establishing Lot 1, Block 1; being a total of 1.088 acre, containing all of that certain tract described in general warranty deed recorded in volume 18919, page 1283, official public records of Bexar County, Texas; containing all of Lot 24 and the east 20 feet of Lot 23, Block 1, Universal Heights Subdivision, Unit 1-C recorded in Volume 6400, page 23, deed and plat records of Bexar County, Texas; also containing all of Lot 36, Block 1, Universal Heights Subdivision, Unit 1-D recorded

in volume 7100, page 209, deed and plat records of Bexar County, Texas to establish the Universal Medical Plaza Subdivision.

There being no further comment, Ms. Cook moved to approve the applicant's request for a final replat. Ms. Svalberg seconded the motion. The motion was approved on a 7-0 vote.

- C. Public Hearing to hear public input on P.C. 525 (ZC 210 FLUP)—A request for an amendment to the Future Land Use Plan for a 4.8606 Ac tract located at 401 W. Byrd Boulevard (CB 5768B BLK 8 LOT SW 250FT OF 39); specific request is to amend FLUP from NS-Neighborhood Services to HDR-High Density Residential.

Mrs. Turner briefed the audience on the procedures for the public hearing and deliberation.

Chairman Jackson opened the public hearing at 6:13 p.m.

Mr. Cassata noted that tonight's agenda consists of a petition by VisionQuest to establish a temporary unaccompanied minor resettlement campus on the property that was formerly the Northview Elementary School, located at 401 W. Byrd Boulevard on approximately 4.9 acres. To do so, the applicant is requesting the following:

1. An amendment to the Future Land Use Plan from NS-Neighborhood Services to HDR-High Density Residential;
2. A Zone Change, or Zoning Map Amendment, from C1-Neighborhood Services to R4-High Density Residential; and
3. A Conditional Use Permit to allow a Group Residential use in a R4-High Density Residential District.

He offered that it is important to note that although there are three public hearings on the agenda related to this petition, all three requests are needed for the proposed use to become effective. That is, without the Conditional Use Permit being granted, changes to the Future Land Use Map and Zoning Map become inconsequential for the applicant.

Regarding the Conditional Use Permit being requested, Mr. Cassata noted that the Zoning Code identifies Group Residential as requiring a Conditional Use Permit in the R4-High Density Residential District and further defines Group Residential as the residential occupancy of living accommodations by groups of more than five persons, not identified as a family, on a weekly or longer basis. Typical uses include occupancy of fraternity or sorority houses, dormitories, residence halls, or boarding houses. Therefore, the proposed use of a temporary unaccompanied minor resettlement campus falls within the definition of Group Residential, per the Zoning Code.

Mr. Cassata noted that more detailed information on the proposed use will be provided by VisionQuest, which is prepared to make their presentation to the Commission and answer all questions. From a procedural standpoint, it is the role of the Planning and Zoning Commission to review and consider the applicant's proposal as to its compatibility with the Future Land Use Plan, Zoning Map and the goals and policies for planning of the City. Regarding this petition specifically, the Planning and Zoning Commission is an advisory body; and, as such, shall forward its recommendations to the City Council for further consideration.

Mr. Cassata offered that 45 notices were sent out to property owners within 200 feet for the subject site. Four letters were returned as undeliverable; seven were received in

opposition to the FLUP and Zone Change, and the CUP; one response was returned in favor of the FLUP and Zone Change, and the CUP. He then turned the meeting over to Mrs. Turner.

Ms. Turner provided an overview of the construction and use of the Northview Elementary School building. She indicated that both the City and the School District have diligently worked to put someone into the structure and that it was cost prohibitive. She also noted that the City had considered the building at one time for its library, but determined it was less expensive to tear down and rebuild in the current library location than to renovate a 1966 building. She further briefed the Conditional Use Permit that was approved by P&Z and City Council for a professional office and construction offices uses. The owner had not made the required upgrades to the building and it therefore remains vacant.

Mr. Nate Tanpiengco with VisionQuest provided a presentation. He spoke about the range of community-based services and residential programs that VisionQuest has in six states. He offered that VisionQuest has a contract with Bexar County to provide in-home therapeutic services for children and families. He also stated they have a contract with the Federal Government for unaccompanied immigrant minors and State contracts that include child welfare and commercially exploited children/human trafficking victims.

He briefed the Commission on the Office of Refugee Resettlement (ORR) and noted that it was a part of the Department of Health and Human Services. The ORR assumes responsibility of unaccompanied children who cross the border and that the program has been in place since the 1960's supporting various refugee groups including Cuban, Somali, and Central America. Mr. Tanpiengco provided that the ongoing border crisis requires more facilities to care for unaccompanied children.

Mr. Tanpiengco stated that the current ORR contract would be to provide care for up to 60 boys, aged 11-17, for a period of 30-90 days. He noted that children that leave the facilities care would either be reunited with family or be placed in foster care. He offered that the average length of time in ORR care centers is 50 days.

Mr. Tanpiengco provided information on the 3-year lease of the building at 401 W. Byrd Blvd, and the building improvements that would be made. He further outlined the economic impact to the area, job creation, and projected tax revenues. He also outlined the myriad of staff that would need to be hired (63) and reviewed the required medical staff to meet the ORR contract. Lastly, he reviewed the compliance mechanisms that VisionQuest would go through with the Federal and Texas State governments, and the weekly and monthly site visits from ORR staff.

Mr. Jackson gave an overview of how the citizens to be heard would be conducted. He noted that each person would receive up to five minutes to speak and that they should state their name and address for the record.

Public Comment:

Leo Pacheco, 639 Kopplow, San Antonio: Noted that detention centers are not good when run by a for-profit organization; stated that once the kids were gone VisionQuest would bring in adults and that the property could become a half-way house. Spoke regarding the Carrizo Springs detention center and said that the centers attract protestors.

Bill Shute, 413 Kimberly, Universal City: Stated he is a 28-year resident and is concerned about protestors in front of the facility and that it would also attract journalists. Felt that detention centers should not be about providing jobs.

Esmeralda Guerra, 3903 SE Military, San Antonio: Offered that the children would have no voices and that being in a detention center would be traumatic for them.

Lee Goodman, Northbrook, Illinois; Opined that children were being held against their will; that they were not free; spoke of the history of the ORR and that the center would have a negative impact on the neighborhood.

JoAnne Garcia Moore, 624 Westoak, Universal City: Introduced herself as a UC resident and member of the TruLife Church. Noted that she and her church do not want a migrant center in the City, that Federal Government should control the border and return the children to their country of origin.

Paul Rodriguez, 201 Ivy Lane, Universal City: Noted that his kids play in that area and didn't want his kids around migrants; referred to articles he had read that VisionQuest has untrained personnel and abuses children.

Marlene Laderman, 12207 Hart Crest, San Antonio: Asked that children not be put in jail or be taken from their parents, and voiced that for-profit companies are unsafe.

Cheryl Basset, 410 Parkview, Universal City: Long time resident said that she felt her neighborhood had been forgotten by the City, but improvements have been made and property values were going up. She asked the members to consider the safety of the children in the neighborhood.

Samantha Smothers, 7320 Charlotte Creek, San Antonio: Asked that the members not allow the center to come into the City.

James Ray, 421 Kimberly, Universal City: Offered that it was bad decision to house people in the wrong way; felt crime might be an issue; was opposed to the center.

Matthew Eiles, 109 Kettle Cove, Universal City: Indicated he was not part of any organized resistance and not philosophically opposed to immigration usually, but felt having a for-profit company run a center was backward; that they would keep the kids longer in order to get more money.

Greg Coolidge, 101 Circle Dr., Universal City: Spoke about 11-17-year-old boys being pawns of the Cartel to get into the country. As a Christian, he felt an obligation to assist, but not with imprisonment. He said he did not want the chaos and publicity brought to the City.

Katy Murdza, 215 King Court, San Antonio: Pleaded for the release of the children, indicated that a for-profit organization won't let the children go, and that VisionQuest abuses children.

Roland Whigham, 414 W Byrd, Universal City: Offered that his heart went out to the children but felt that the facility would be unattractive in the neighborhood.

Tommy Calvert, 101 W. Nueva, San Antonio: Opined that the will of the citizens has been heard; noted that VisionQuest had not yet received its permit through the Texas Health and Safety department; that VisionQuest was not prepared for the oversight of the facility; and that the trauma to the children should end.

Johnathan Ryan, 1305 N. Flores, San Antonio: Noted he was an immigration attorney but that he would not accept work for the VisionQuest project if approved because it was not a non-profit organization. He opined that many children at the border are not unaccompanied but taken from their families. Many at the border are fleeing violence of their country, but terrified that they will not be resettled before their time is up. He questioned why VisionQuest choose to be a for-profit company versus a non-profit company.

Fatima Menendez, 110 Broadway Street, San Antonio: Noted that she was with a Mexican legal defense organization; a national civil rights law firm. She stated that the children are not put in shelters, but detention centers with bars, fences, and high security. She stated that children in detention centers are denied access to outside entertainment and mental health treatment.

Debbi Hernandez, 5918 Stoneybrook, San Antonio: Indicated she was an activist; that children can't be raised in prisons; no background checks done on workers; kids die in detention centers from thirst and other issues; and that protestors will be hanging out in front the shelter if it is allowed.

Diana Lira, 313 W. Lindbergh, Universal City: Noted letter from City was complicated; City spent money on a new library and splashpad and shouldn't be putting in apartments or the detention center next to it. That her side of the City was always overlooked; please fix Byrd Blvd, build sidewalks, and put in more streetlights. Opined that she does not qualify for the free lunch program and wanted a YMCA in her neighborhood.

No one else from the public provided comment.

Chairman Jackson closed the public hearing at 7:29 p.m.

- D. Consider: P.C. 525 (ZC 210 FLUP)—A request for an amendment to the Future Land Use Plan for a 4.8606 Ac tract located at 401 W. Byrd Boulevard (CB 5768B BLK 8 LOT SW 250FT OF 39); specific request is to amend FLUP from NS-Neighborhood Services to HDR-High Density Residential.

Chairman Jackson advised the Commission that he was following Robert's Rules of Order and that he would be calling for a motion and a second of the motion before deliberation began. He reminded the members of the Commission that it was important for them to state the motion in the affirmative so what when it came time to vote there would be no question of what an "aye" or "nay" vote meant.

Ms. Cook motion to approve P.C. 525 (ZC 210 FLUP)—A request for an amendment to the Future Land Use Plan for a 4.8606 Ac tract located at 401 W. Byrd Boulevard (CB 5768B BLK 8 LOT SW 250FT OF 39); specific request is to amend FLUP from NS-Neighborhood Services to HDR-High Density Residential. Mrs. Fitzpatrick seconded the motion.

Mr. Jackson started the deliberation by stating that he found no benefit to the City by approving the FLUP, Zone Change, or the CUP. He noted that the modifications to the site plan did not necessarily provide for the life, health, and safety of the community.

Ms. Cook stressed that the area in question is the oldest part of the City and that the efforts to redevelop the area were starting to pay off. She indicated that she would need to have something much more compelling occur to change her mind about approving a FLUP amendment.

Mrs. Reynolds noted that she lived in the area. She reiterated that she was keeping her personal feelings out of the consideration and making her decision based on zoning law. She felt that the only entity to gain by the changes was VisionQuest. She offered that she was not opposed to centers that provide reunification activities, but that she opposed it being in Universal City.

Mrs. Fitzpatrick inquired of Mrs. Turner what the benefit would be to the City other than taxes. Mrs. Turner discussed water, sewer, and garbage fees; job creation, increased sales for other local businesses whose goods and services that VisionQuest would utilize. She further added information about the Building Safety Inspection process conducted and the work that would need to be done and the fees generated from construction.

A question was asked of Mrs. Turner if the City would need additional police and fire personnel because of the shelter. Mrs. Turner offered that the facility would be treated like any other apartment-style living; if a call was made; the City would respond. However, she provided that no additional police, fire, or EMS personnel would be needed to accommodate the facility.

Mr. Hannan inquired about the employment level. Mr. Tanpiengco stated 63 employees which equated to one employee per 8 children. He further noted that employees would be hired locally if qualified. "If qualified" meant that they were able to pass a background check, have no DUI or DWI experiences, and had never an issue when dealing with children.

Mrs. Reynolds asked how the employees were trained. Mr. Tanpiengco said that VisionQuest had internal and external training of their employees and that they had a very successful quality assurance program in place.

Ms. Dixon stated that there was no benefit to the community.

Mr. Tanpiengco stood to provide clarification to the Commission. He offered that the children are only detained at the border and the purpose of the resettlement facilities was to move them away from that environment. He further discussed the requirements that Congress has placed on the programs and that VisionQuest was deemed to be able to fulfill those requirements. He noted that VisionQuest is in 100% compliance with all the Federal and State regulatory agencies. Lastly, he briefed the Commission on the difference between a non-profit and a for-profit company. He stated that funding provided by the government contract are exactly the same for both agencies. He offered that a for-profit reinvests its returns on its employees and on programs for domestic and non-domestic children.

Mr. Harold Arant introduced himself as a Christian and as 39-year employee with VisionQuest who has served children across the world in various capacities. He offered that the shelter is not about detaining children, it is about getting them out of the detained situation they are in at the US border. He offered that being at a shelter is meant to normalize them into society and provide reunification with family members or into foster care. He noted that VisionQuest is trying to make a difference and provide care in the children's lives. He noted that others in the audience keep saying how bad it is for the kids, but none of them were doing anything about it, but trying to stop others who are doing something about it. Mr. Arant spoke about the self-reporting they do and that there has never been any negligence found on the part of VisionQuest. If VisionQuest had any negligence, then the State and the Federal governments would have pulled their licensing. He opined that the children are not criminals and that the outsiders who

keep calling them detention centers or prisons have idea what it like inside because they have never been inside of a detention center, or a prison or a shelter because they do not have the clearance to get in. He further spoke about the contracts that VisionQuest currently has with Bexar County and that Bexar County has never had an issue with the work done by VisionQuest.

Mr. Tanpiengco apologized that Universal City had been caught up with the politics in San Antonio. He spoke about the Baptist Church agreement and that the Church selected the VisionQuest contract on a 120 to 10 vote over a Charter School contract because the Church's mission was more aligned with VisionQuest.

There being no further comments, Ms. Cook stated "After conducting a public hearing on the request for an amendment to the Future Land Use Plan for the property at 401 W. Byrd Boulevard, the Planning and Zoning Commission has considered the request and I move to approve PC 525 (ZC 210 FLUP) and the amendment to the Future Land Use Plan from NS-Neighborhood Services to HDR-High Density Residential for the property at 401 W. Byrd Boulevard without conditions." Ms. Fitzpatrick seconded the motion. The motion failed on a 0-7 vote with all members voting "nay".

- E. Public Hearing to hear public input on P.C. 525 (ZC 210)—A request for a Zone Change for a 4.8606 Ac tract located at 401 W. Byrd Boulevard (CB 5768B BLK 8 LOT SW 250FT OF 39) from C1-Neighborhood Services to R4-High Density Residential, per Zoning Ordinance 581.

Chairman Jackson opened the public hearing at 7:54 p.m.

Public Comment

Diana Lira, 313 W. Lindbergh, Universal City: Asked questions about what it meant to rezone a property. Chairman Jackson offered that her questions could not be answered during the public comment and advised her to get with City staff after the meeting. She stated that she opposed the Zone Change.

No one else from the public provided comment.

Chairman Jackson closed the public hearing at 7:56 p.m.

- F. Consider: P.C. 525 (ZC 210)—A request for a Zone Change for a 4.8606 Ac tract located at 401 W. Byrd Boulevard (CB 5768B BLK 8 LOT SW 250FT OF 39) from C1-Neighborhood Services to R4-High Density Residential, per Zoning Ordinance 581.

There being no further comments, Ms. Cook stated "After conducting a public hearing on the request for a Zone Change for the property at 401 W. Byrd Boulevard, the Planning and Zoning Commission has considered the request and I move to approve PC 525 (ZC 210) and the Zone Change from C1-Neighborhood Services to R4-High Density Residential for the property at 401 W. Byrd Boulevard without conditions. Ms. Fitzpatrick seconded the motion. The motion was disapproved on a 0-7 vote with all members voting "nay".

- G. Public Hearing to hear public input on P.C. 525 (CU 153)—A request for Conditional Use Permit for a 4.8606 Ac tract located at 401 W. Byrd Boulevard (CB 5768B BLK 8 LOT SW 250FT OF 39) to allow a Group Residential use in a R4-High Density Residential District, per Zoning Ordinance 581.

Chairman Jackson opened the public hearing at 7:57 p.m.

No one from the public provided comment.

Chairman Jackson closed the public hearing at 7:58 p.m.

- H. Consider: P.C. 525 (CU 153)—A request for Conditional Use Permit for a 4.8606 Ac tract located at 401 W. Byrd Boulevard (CB 5768B BLK 8 LOT SW 250FT OF 39) to allow a Group Residential use in a R4-High Density Residential District, per Zoning Ordinance 581.

There being no further comments, Ms. Cook cited the following:

“Per Section 4-5-53 of the Zoning Code, in recommending favorably upon a conditional use application, the following findings of fact must be made:

- **The proposed use is in accord with the objectives of these regulations and the purposes of the district in which the site is located.**
- **That the proposed use will comply with each of the applicable provisions of these regulations.**
- **That the proposed use and site development, together with any modifications applicable thereto, will be completely compatible with existing or permitted use in the vicinity.**
- **That the conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and ensure compatibility with existing or permitted uses in the same district and the surrounding area, and that the prescribed zoning standards do not provide enough mitigation of the impacts identified, thus warranting stricter standards, if so recommended.**
- **The Commission has given due consideration to all technical information supplied by the applicant.**
- **That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.**

Therefore, I move to approve PC 525 (CU 153) and to grant a conditional use permit at 401 W. Byrd Boulevard to allow a Group Residential use in a R4-High Density Residential District with the following conditions:

- 1. The conditional use permit shall only be granted to VisionQuest and not be transferable.**
- 2. The conditional use permit shall be valid for three years from the date of the certificate of occupancy issuance.**
- 3. After three years, VisionQuest may request that City Council grant one three-year extension of the conditional use permit.”**

Ms. Fitzpatrick seconded the motion. The motion failed on a 0-7 vote with all members voting “Nay”.

Mrs. Turner thanked everyone at the dais and the member of the audience for the kindness and courtesy they showed toward each other while others were speaking.

She noted that the recommendations of the Commission would be forwarded to City Council for consideration at its 19 November meeting.

5. ADJOURNMENT: The meeting adjourned at 8:07 p.m.

Ron Jackson
Chairman